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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE  
 14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,  
 16 LLC,<sup>1</sup>

17 USA CAPITAL DIVERSIFIED TRUST  
 18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED  
 20 FUND, LLC,<sup>2</sup>

21 USA SECURITIES, LLC,<sup>3</sup> Debtors.

22 **Affects:**

- 23  All Debtors
- 24  USA Commercial Mortgage Company
- 25  USA Capital Realty Advisors, LLC
- 26  USA Capital Diversified Trust Deed Fund, LLC
- 27  USA Capital First Trust Deed Fund, LLC
- 28  USA Securities, LLC

29 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 30 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 31 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 32 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 33 Case No. BK-S-06-10729-LBR<sup>3</sup>

34 **CHAPTER 11**

35 Jointly Administered Under Case No.  
 36 BK-S-06-10725 LBR

37 **NOTICE OF HEARING REGARDING  
 38 FIRST, SECOND, THIRD, AND  
 39 FOURTH OMNIBUS OBJECTION OF  
 40 USACM LIQUIDATING TRUST TO  
 41 PROOFS OF CLAIM BASED UPON  
 42 PALM TERRACE LITIGATION;  
 43 AND CERTIFICATE OF SERVICE**

44 Date of Hearing: February 20, 2009  
 45 Time of Hearing: 9:30 a.m.

46 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
 47 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
 48 CLAIM TO THE EXTENT IT IS A DUPLICATE OF ANOTHER CLAIM THAT**

49 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

50 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

51 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1       **WAS FILED. THIS OBJECTION ONLY SEEKS TO ELIMINATE**  
2       **DUPLICATION AND THUS WILL NOT IMPACT THE SURVIVING CLAIM.**

3       **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
4       **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
5       **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
6       **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
7       **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

8       **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
9       First, Second, Third, and Fourth Omnibus Objection to Proofs of Claim Based Upon Palm  
10      Terrace Litigation (the "Objection"). Your Proof of Claim numbers and other information  
11      regarding your claims is provided in **Exhibit A**, attached. The USACM Liquidating Trust  
12      has requested that this Court enter an order, pursuant to Bankruptcy Code § 502 and  
13      Bankruptcy Rule 3007, disallowing the Proofs of Claim.

14       **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
15      before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
16      Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
17      **February 20, 2009, at the hour of 9:30 a.m.**

18       **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
19      **FEBRUARY 20, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**  
20      **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
21      **ARGUMENTS WILL BE HEARD ON THAT DATE.**

22       **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
23      by **February 13, 2009**, pursuant to Local Rule 3007(b), which states:

24       If an objection to a claim is opposed, a written response must be filed and  
25      served on the objecting party at least 5 business days before the scheduled  
26      hearing. A response is deemed sufficient if it states that written  
      documentation in support of the proof of claim has already been provided to



1 the objecting party and that the documentation will be provided at any  
 2 evidentiary hearing or trial on the matter.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 4 pleading with the Court. You *must* also serve your written response on the person who  
 5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your  
 7 written response on the person who sent you this notice, then:

- 8 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 9 • The Court may *rule against you* and sustain the objection without formally  
 calling the matter at the hearing.

10 Dated: January 16, 2009.

11 LEWIS AND ROCA LLP

12 By /s/ John Hinderaker (#18024)  
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21 Copy of the foregoing mailed by first  
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 23 January 16, 2009 to:

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33 /s/ Carrie Lawrence  
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